

Message Text

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ACTION DLOS-04

INFO OCT-01 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10 IO-11

OIC-02 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-04 ERDA-07 FEAE-00 FMC-02 TRSE-00 H-02 INR-07

INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OES-06

OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15 SAL-01

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 6645

INFO AMEMBASSY ATHENS

AMEMBASSY BAGHDAD

AMEMBASSY BONN

AMEMBASSY CAIRO

AMEMBASSY CONAKRY

AMEMBASSY COPENHAGEN

AMEMBASSY DAKAR

AMEMBASSY JAKARTA

AMEMBASSY JIDDA

AMEMBASSY KUALA LUMPUR

AMEMBASSY KUWAIT

AMEMBASSY LAGOS

AMEMBASSY LA PAZ

AMEMBASSY LIMA

AMEMBASSY MADRID

AMEMBASSY MOGADISCIO

AMEMBASSY MUSCAT

AMEMBASSY QUITO

AMEMBASSY SANTIAGO

AMEMBASSY SINGAPORE

AMEMBASSY SOFIA

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AMEMBASSY TEHRAN

AMEMBASSY TEL AVIV

AMEMBASSY TRIPOLI
AMEMBASSY VIENNA
AMEMBASSY PRAGUE
AMEMBASSY BUDAPEST
AMEMBASSY WARSAW
AMEMBASSY BUCHAREST
AMEMBASSY BELGRADE
AMEMBASSY STOCKHOLM
AMEMBASSY MOSCOW
AMEMBASSY OSLO
AMEMBASSY ROME
AMEMBASSY PARIS
AMCONSUL AMSTERDAM
AMEMBASSY BRASILIA

UNCLAS SECTION 1 OF 3 USUN 1351

FROM LOSDEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: AMENDMENTS TO THE INFORMAL SINGLE NEGOTIATING
TEXT PROPOSED BY THE SPANISH DELEGATION--STRAITS

1. SUMMARY. SPANISH PROPOSED AMENDMENTS TO SNT STRAITS
ARTICLES PRESENTED IN COMMITTEE II MEETINGS IN CURRENT
SESSION.

BEGIN TEXT

1. GENERAL

ARTICLE 34

1. THE REGIME OF PASSAGE THROUGH STRAITS USED FOR INTERNATIONAL
NAVIGATION ESTABLISHED IN THIS SUBSECTION SHALL NOT IN OTHER
RESPECTS AFFECT THE STATUS OF THE WATERS FORMING SUCH STRAITS
NOR THE EXERCISE BY THE STRAIT STATE OF ITS SOVEREIGNTY
OR JURISDICTION OVER SUCH WATERS AND THE AIR SPACE, BED
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AND SUBSOIL.

2. THE SOVEREIGNTY OR JURISDICTION OF THE STRAIT STATE
SHALL BE EXERCISED SUBJECT TO THE PROVISIONS OF THIS CON-
VENTION AND OTHER RULES OF INTERNATIONAL LAW.

COMMENTARY

AS FAR AS THIS ARTICLE IS CONCERNED THE AMENDMENTS PROPOSED
ARE THE FOLLOWING:

IN PARAGRAPH 1 THE WORD "PART" HAS BEEN REPLACED BY THE WORD "SUBSECTION".

IN PARAGRAPH 2 THE EXPRESSION "THE PROVISIONS OF THIS PART" HAS BEEN REPLACED BY THE EXPRESSION "THE PROVISIONS OF THIS CONVENTION".

PARAGRAPH 3 HAS BEEN DELETED.

ARTICLE 35

NOTHING IN THE PROVISIONS OF THIS SUBSECTION SHALL AFFECT:

A) ANY AREAS OF INTERNAL WATERS WITHIN A STRAIT, UNLESS THEY WERE CONSIDERED AS PART OF THE HIGH SEAS OR TERRITORIAL SEA PRIOR TO THE DRAWING OF STRAIGHT BASELINES IN ACCORDANCE WITH THE RULES PROVIDED IN ARTICLE 6.

B) THE STATUS OF THE WATERS BEYOND THE TERRITORIAL SEAS OF STRAIT STATES AS EXCLUSIVE ECONOMIC ZONES OR HIGH SEAS OR

C) THE LEGAL STATUS OF STRAITS IN WHICH PASSAGE IS REGULATED IN WHOLE OR IN PART BY LONG-STANDING INTERNATIONAL CONVENTIONS IN FORCE SPECIFICALLY RELATING TO SUCH STRAITS.

COMMENTARY

THE ONLY AMENDMENT PROPOSED IN CONNECTION WITH THIS ARTICLE IS THE REPLACEMENT OF THE WORD "PART" BY THE WORD "SUBSECTION".

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ARTICLE 36

THE PROVISIONS OF THIS SUBSECTION WILL NOT APPLY TO STRAITS USED FOR INTERNATIONAL NAVIGATION IF A HIGH SEAS ROUTE OR A ROUTE THROUGH AN EXCLUSIVE ECONOMIC ZONE, NORMALLY USED FOR THE PURPOSE OF INTERNATIONAL NAVIGATION, EXISTS THROUGH THE STRAIT.

COMMENTARY

IN THIS ARTICLE THE WORD "PART" HAS BEEN REPLACED BY THE WORD "SUBSECTION", AND A NEW WORDING HAS BEEN INTRODUCED FROM THE EXPRESSION " IF A HIGH SEAS ROUTE" ONWARDS.

2. NAVIGATION THROUGH STRAITS

ARTICLE 37

THE ARTICLES IN THIS SUBSECTION APPLY TO STRAITS WHICH ARE USED FOR INTERNATIONAL NAVIGATION BETWEEN ONE AREA OF THE HIGH SEAS OR AN EXCLUSIVE ECONOMIC ZONE AND ANOTHER AREA OF THE HIGH SEAS OR AN EXCLUSIVE ECONOMIC ZONE.

COMMENTARY

IN THIS ARTICLE THE WORD "SECTION" HAS BEEN REPLACED BY THE WORD "SUBSECTION".

THE HEADING OF THIS GROUP OF ARTICLES NOW READS "NAVIGATION THROUGH STRAITS" AND NOT AS PREVIOUSLY "TRANSIT PASSAGE".

ARTICLE 38

1. IN STRAITS REFERRED TO IN ARTICLE 37, ALL SHIPS ENJOY THE RIGHT OF PASSAGE WHICH SHALL NOT BE IMPEDED. WHEN THE STRAIT IS FORMED BY AN ISLAND OF THE STRAIT STATE, AND BEYOND THE ISLAND EXISTS A ROUTE NORMALLY USED FOR THE PURPOSE OF NAVIGATION THROUGH THE HIGH SEAS OR PASSING THROUGH AN EXCLUSIVE ECONOMIC ZONE, THE RIGHT OF PASSAGE SHALL NOT APPLY.

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2. PASSAGE IS THE EXERCISE OF CONTINUOUS AND EXPEDITIOUS TRANSIT OF THE STRAIT BETWEEN ONE AREA OF THE HIGH SEAS OR AN EXCLUSIVE ECONOMIC ZONE AND ANOTHER AREA OF THE HIGH SEAS OR AN EXCLUSIVE ECONOMIC ZONE.

3. THE RIGHT OF PASSAGE RECOGNIZED UNDER THIS ARTICLE MAY ALSO BE EXERCISED FOR THE PURPOSE OF NAVIGATION TO OR FROM ANOTHER STRAIT STATE, SUBJECT TO THE CONDITIONS OF ENTRY TO THAT STATE.

4. ANY ACTIVITY WHICH IS NOT AN EXERCISE OF THE RIGHT OF PASSAGE THROUGH A STRAIT REMAINS SUBJECT TO THE OTHER APPLICABLE PROVISIONS OF THE PRESENT CONVENTION.

COMMENTARY

THE AMENDMENTS INTRODUCED TO THIS ARTICLE ARE THE FOLLOWING:

TO PARAGRAPH 1:

-DELETION OF THE WORD "AIRCRAFT"

-DELETION OF THE WORD "TRANSIT"

-NEW WORDING FROM THE EXPRESSION "STRAIT STATE" TO THE END OF THE PARAGRAPH.

TO PARAGRAPH 2:

-NEW DRAFT OF THE TEXT FROM THE WORD "PASSAGE" TO THE EXPRESSION

"ONE AREA OF THE HIGH SEAS".

TO PARAGRAPH 3:

-DELETION OF THE WORD "TRANSIT" AND REPLACEMENT OF THE
EXPRESSION "FOR THE PURPOSE OF TRANSIT", BY THE EXPRESSION
"FOR THE PURPOSE OF NAVIGATION".

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MRN: 1976USUN N001351 SEGMENT NUMBER: 000002 EXPAND ERROR ENCOUNTERED;
TELEGRAM TEXT FOR THIS SEGMENT IS UNAVAILABLE
MRN: 1976USUN N001351 SEGMENT NUMBER: 000003 EXPAND ERROR ENCOUNTERED;
TELEGRAM TEXT FOR THIS SEGMENT IS UNAVAILABLE

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Control Number: n/a
Copy: SINGLE
Draft Date: 02 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Errors: N/A
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Margaret P. Grafeld
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EO Systematic Review
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Review Withdrawn Fields: n/a
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TAGS: PLOS, UN
To: STATE
Type: TE
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